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JAMES N. HATTEN, Clerk  
By: [Signature] Deputy Clerk

# UNITED STATES DISTRICT COURT

for the  
District of  
Division

Case No.

**1 19-CV-2834**

(to be filled in by the Clerk's Office)

**BLONDELL GARNER CLARK**

Plaintiff(s)

(Write the full name of each plaintiff who is filing this complaint. If the names of all the plaintiffs cannot fit in the space above, please write "see attached" in the space and attach an additional page with the full list of names.)

-v-

**IBM**

Defendant(s)

(Write the full name of each defendant who is being sued. If the names of all the defendants cannot fit in the space above, please write "see attached" in the space and attach an additional page with the full list of names.)

Jury Trial: (check one) ☐ Yes ☐ No

## COMPLAINT FOR A CIVIL CASE

### I. The Parties to This Complaint

#### A. The Plaintiff(s)

Provide the information below for each plaintiff named in the complaint. Attach additional pages if needed.

Name	Blondell Garner Clark
Street Address	2973 Butner Road, # 803
City and County	Atlanta
State and Zip Code	Georgia 30331
Telephone Number	404-748-0102
E-mail Address	clarkbc419@outlook.com

#### B. The Defendant(s)

Provide the information below for each defendant named in the complaint, whether the defendant is an individual, a government agency, an organization, or a corporation. For an individual defendant, include the person's job or title (if known). Attach additional pages if needed.

Pro Se 1 (Rev. 12/16) Complaint for a Civil Case

## Defendant No. 1

Name	IBM
Job or Title <i>(if known)</i>	
Street Address	1 New Orchard Road
City and County	Armonk
State and Zip Code	New York 10504
Telephone Number	914-499-1900
E-mail Address <i>(if known)</i>	

## Defendant No. 2

Name	
Job or Title <i>(if known)</i>	
Street Address	
City and County	
State and Zip Code	
Telephone Number	
E-mail Address <i>(if known)</i>	

## Defendant No. 3

Name	
Job or Title <i>(if known)</i>	
Street Address	
City and County	
State and Zip Code	
Telephone Number	
E-mail Address <i>(if known)</i>	

## Defendant No. 4

Name	
Job or Title <i>(if known)</i>	
Street Address	
City and County	
State and Zip Code	
Telephone Number	
E-mail Address <i>(if known)</i>	

**II. Basis for Jurisdiction**

Federal courts are courts of limited jurisdiction (limited power). Generally, only two types of cases can be heard in federal court: cases involving a federal question and cases involving diversity of citizenship of the parties. Under 28 U.S.C. § 1331, a case arising under the United States Constitution or federal laws or treaties is a federal question case. Under 28 U.S.C. § 1332, a case in which a citizen of one State sues a citizen of another State or nation and the amount at stake is more than \$75,000 is a diversity of citizenship case. In a diversity of citizenship case, no defendant may be a citizen of the same State as any plaintiff.

What is the basis for federal court jurisdiction? *(check all that apply)*

☒ Federal question

☐ Diversity of citizenship

Fill out the paragraphs in this section that apply to this case.

**A. If the Basis for Jurisdiction Is a Federal Question**

List the specific federal statutes, federal treaties, and/or provisions of the United States Constitution that are at issue in this case.

Employee Retirement Income Security Act (ERISA) Section 502((a)

**B. If the Basis for Jurisdiction Is Diversity of Citizenship****1. The Plaintiff(s)****a. If the plaintiff is an individual**

The plaintiff, *(name)* \_\_\_\_\_, is a citizen of the State of *(name)* \_\_\_\_\_.

**b. If the plaintiff is a corporation**

The plaintiff, *(name)* \_\_\_\_\_, is incorporated under the laws of the State of *(name)* \_\_\_\_\_, and has its principal place of business in the State of *(name)* \_\_\_\_\_.

*(If more than one plaintiff is named in the complaint, attach an additional page providing the same information for each additional plaintiff.)*

**2. The Defendant(s)****a. If the defendant is an individual**

The defendant, *(name)* \_\_\_\_\_, is a citizen of the State of *(name)* \_\_\_\_\_. Or is a citizen of *(foreign nation)* \_\_\_\_\_.

## b. If the defendant is a corporation

The defendant, (name) \_\_\_\_\_, is incorporated under the laws of the State of (name) \_\_\_\_\_, and has its principal place of business in the State of (name) \_\_\_\_\_.

Or is incorporated under the laws of (foreign nation) \_\_\_\_\_, and has its principal place of business in (name) \_\_\_\_\_.

*(If more than one defendant is named in the complaint, attach an additional page providing the same information for each additional defendant.)*

## 3. The Amount in Controversy

The amount in controversy—the amount the plaintiff claims the defendant owes or the amount at stake—is more than \$75,000, not counting interest and costs of court, because *(explain)*:

**III. Statement of Claim**

Write a short and plain statement of the claim. Do not make legal arguments. State as briefly as possible the facts showing that each plaintiff is entitled to the damages or other relief sought. State how each defendant was involved and what each defendant did that caused the plaintiff harm or violated the plaintiff's rights, including the dates and places of that involvement or conduct. If more than one claim is asserted, number each claim and write a short and plain statement of each claim in a separate paragraph. Attach additional pages if needed.

IBM concocted a scheme to deny me pension payments. IBM claimed they had sent my pension payment in full only to find from the U.S. Department of Labor the draft of this check was made payable to IBM'S legal department, the check was not payable to me. This concoction was done to avoid giving me with a denial letter and time constraint to fail a lawsuit. To date, IBM has not paid me any of my pension nor have I gotten a denial letter. This alleged check is bogus, no such check exists.

SEE ATTACHMENT

**IV. Relief**

State briefly and precisely what damages or other relief the plaintiff asks the court to order. Do not make legal arguments. Include any basis for claiming that the wrongs alleged are continuing at the present time. Include the amounts of any actual damages claimed for the acts alleged and the basis for these amounts. Include any punitive or exemplary damages claimed, the amounts, and the reasons you claim you are entitled to actual or punitive money damages.

This check supposedly was sent July 2002, (2) weeks later check not received. I called IBM and was told I had to wait until I retire to receive the pension check even though I had signed all documents to receive the check. Upon retirement 10/22/2016, I sent IBM a certified letter, and it was returned stamped REFUSED by US Postal Service. 10/30/20016 I called IBM and spoke with Patty McGuire who stated the check was sent in July 2002. I disputed and requested a copy of the check and she refused.

Continued inquiry and dates are as follows:

1. 11/15/2016 and 2/2017, I wrote the U.S. Dept. of Labor Georgia location, no response.
2. 3/13/2017, I sent IBM CEO Virginia Romettv a letter, no response.
3. Finally, U.S. Dept. of labor Georgia called in March 2017, I spoke with representative Veronia Patterson who completed her investigation 3/28/2017 the case was unchallenged by her.
4. 5/9/2017, U.S Dept. of Labor Georgia Regional Director Isabel Colon submitted her findings stating the case required private legal action and she included a copy of the check draft. I received the draft only to find that this check was not made payable to me. It was payable to IBM legal department, not to me. This was the first time I had seen any details of the check.
5. 8/7/2018, I wrote U.S. Dept. of Labor Washington, DC, no response.
6. 11/27/2018, I wrote U.S. Dept. of Labor Washington, DC., and on 12/12/18 Director Mark B. Connor responded and stated the court would have to handle this dispute and he provided the statue.
7. Several attempts to contact IRS to request taxes on this check failed. They did not respond via telephone and letter. On 1/11/19, I wrote IRS in Cincinnati, OH for taxes on the check and I was referred to the IRS Atlanta office.

This case should not have any time constraint problems because IBM attempted to created a time constraint problem. They had me to sign lump sum pension forms and never sent me the pension check 2002. Then purposefully mislead me to believe the check would be paid at retirement. Upon retirement 2018, I find this is a bogus check, not even payable to me. This illegal scheme is proof of IBM,s blatant REFUSAL to pay my benefits. They have violated my rights under ERISA which I so rightfully deserve.

This alleged check was written in the amount of \$11,333.00, plus last charges \$125 a day, \$3,750 month, 45,000 a year for 18 years. Total \$821,333 dollars.

## V. Certification and Closing

Under Federal Rule of Civil Procedure 11, by signing below, I certify to the best of my knowledge, information, and belief that this complaint: (1) is not being presented for an improper purpose, such as to harass, cause unnecessary delay, or needlessly increase the cost of litigation; (2) is supported by existing law or by a nonfrivolous argument for extending, modifying, or reversing existing law; (3) the factual contentions have evidentiary support or, if specifically so identified, will likely have evidentiary support after a reasonable opportunity for further investigation or discovery; and (4) the complaint otherwise complies with the requirements of Rule 11.

### A. For Parties Without an Attorney

I agree to provide the Clerk's Office with any changes to my address where case-related papers may be served. I understand that my failure to keep a current address on file with the Clerk's Office may result in the dismissal of my case.

Date of signing: 06/20/2019

Signature of Plaintiff

Printed Name of Plaintiff

Blondell Garner Clark  
BLONDELL GARNER CLARK

### B. For Attorneys

Date of signing: \_\_\_\_\_

Signature of Attorney

Printed Name of Attorney

Bar Number

Name of Law Firm

Street Address

State and Zip Code

Telephone Number

E-mail Address